

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NICHOLAS DIMATTEO, JR.,
Plaintiff,**

CIVIL ACTION

v.

**THE SCHOOL DISTRICT OF
PHILADELPHIA,
Defendant.**

NO. 17-0898

ORDER

AND NOW, this 15th day of November, 2017, upon consideration of Defendant's Motion for Summary Judgment (ECF No. 15), Plaintiff's Response thereto (ECF No. 16), and Defendant's Reply to Plaintiff's Response (ECF No. 17), **IT IS ORDERED** that Defendant's Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's Motion is **GRANTED** to the extent Plaintiff's ADEA and PHRA claims are premised on Defendant's failure to rehire him, and
2. Defendant's Motion is **DENIED** to the extent Plaintiff's ADEA and PHRA claims are premised on Defendant terminating his employment.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.